

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

KALYN JONES,

ORDER ADOPTING  
REPORT AND RECOMMENDATION  
10-CR-0093 (JS)(WDW)

Defendant.

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APPEARANCES:

For Plaintiff: Raymond A. Tierney  
United States Attorneys Office  
271 Cadman Plaza East  
Brooklyn, NY 11201

For Defendant: Gary Schoer, Esq.  
6800 Jericho Turnpike  
Syosset, NY 11791

SEYBERT, District Judge:

The Court is in receipt of Magistrate Judge William D. Wall's Report and Recommendation, dated October 21, 2010 ("Report and Recommendation" or "R&R"), recommending that Defendant's motion to suppress be denied. Presently pending before the Court is Defendant's objections to the Report and Recommendation.

The Report and Recommendation sets forth the facts of this case in a thorough manner, and therefore, the Court will not recite those facts again.

"When evaluating the report and recommendation of a magistrate judge, the district court may adopt those portions of the report to which no objections have been made and which are not facially erroneous." Walker v. Vaughan, 216 F. Supp. 2d 290, 291 (S.D.N.Y. 2002) (citation omitted). A party may serve and file

specific, written objections to a magistrate's report and recommendation within ten days of receiving the recommended disposition. See FED. R. CIV. P. 72(b). Upon receiving any timely objections to the magistrate's recommendation, the district "court may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. §636(b)(1)(C); see also Fed. R. Civ. P. 72(b). A party that objects to a report and recommendation must point out the specific portions of the report and recommendation to which they object. See Barratt v. Joie, No. 96-CV-324, 2002 U.S. Dist. LEXIS 3453, at \*2 (S.D.N.Y. March 4, 2002) (citations omitted).

When a party raises an objection to a magistrate judge's report, the Court must conduct a de novo review of any contested sections of the report. See Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991).

The Defendant's objections to the R&R have been reviewed under the de novo standard of review. Upon that review, the Defendant's objections are rejected as without merit and the R&R is ADOPTED IN ITS ENTIRETY. The motion to suppress is DENIED.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

DATED: January 24, 2011  
Central Islip, NY